

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 16, 2010 at 5:30 p.m. in the Logan Municipal Council Chambers, 290 North 100 West, Logan, Utah. Chairman Jay Monson conducting.

Council members present: Chairman Jay Monson, Vice Chairman Herm Olsen, Holly H. Daines and Dean W. Quayle. Administration present: Public Works Director and Acting Mayor Mark Nielsen, City Attorney Kymber Housley and City Recorder Teresa Harris. Mayor Randy Watts excused. Councilmember Laraine Swenson participated in the meeting electronically.

OPENING CEREMONY.

Chairman Monson welcomed those present. There were approximately 14 citizens in the audience at the beginning of the meeting.

Pastor Corinne Thul from the Prince of Peace Lutheran Church gave the opening prayer/thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from November 2, 2010 were reviewed and approved with minor changes.

Meeting Agenda. The meeting agenda was approved. Chairman Monson announced at tonight's meeting there would be two public hearings.

Meeting Schedule. Chairman Monson announced that regular council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular council meeting is Tuesday, December 7, 2010.

There will not be a council meeting on Tuesday, December 21, 2010.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Logan citizen Steve Bower addressed the Council. He said that the Council recently passed the anti discrimination ordinance and he also encouraged the Council to pass a resolution on the Utah Compact on Immigration.

He also asked if there was an update regarding the Welcome to Logan sign.

He asked about the City owned property next to Smith's Food and Drug on 200 East 500 North. He said the property needs attention and the City should get involved in cleaning up this area.

He also said that regarding recycling materials from the demolition of the golf course clubhouse, he feels the City could have made a better effort to recycle these materials.

City Attorney Kymber Housley will send the Council a copy of the Utah Compact on Immigration. He also responded that regarding the recycling of materials from the golf course, the City has to go through a bid process to allow citizens to acquire materials from the demolition. They City goes through and takes what it needs and it's more cost effective for the tax payer to take it to the landfill.

Community Development Jay Nielson said the property on 200 East 500 North is owned by the Logan City Environmental Department and they have the responsibility to maintain this property.

Environmental Director Issa Hamud said he will take care of the property on 200 East and 500 North.

MAYOR/ STAFF REPORTS.

Bear River Health Department Annual Report – Mike Weibel-Government Relations Director from the Bear River Health Department.

Mr. Weibel said the Bear River Health Department is required to report to the three counties they serve to give a “snapshot” of what they have accomplished throughout the year. He reported that the highlights of the past year were the H1N1 Statistics and the Health Department’s response to the H1N1 Pandemic. In October 2010, the Bear River Board of Health unanimously voted to ban the production, manufacturing, distribution and possession of Spice in Box Elder, Cache and Rich counties.

The Health Department is required to do so may inspections of every restaurant in their district. A change was made to improve the inspections and as of January 2010 they are 100% compliant in the number of restaurants they are required to inspect.

Mr. Weibel said that regarding air quality he feels that we each have our own individual part to do when it comes to air quality.

Youth City Council Update – Johan Herrera and Florencia Romney.

Youth City Council representatives Johan Herrera and Florencia Romney addressed the Council.

Ms. Herrera reported that the most recent Youth City Council project was the Boo at the Zoo event in October and their second activity was to volunteer at the After School activities helping students with homework, this was done at the individual schools. In their last meeting they discussed being more involved with the Logan City Council. Their next service project is to help with activities at the Sunshine Terrace.

Chairman Monson suggested that the Logan City Youth City Council meet with the Youth City Council from Bountiful City and get ideas from them.

CrimeReports.com – Chief Gary Jensen.

Logan City Police Chief Gary Jensen presented Crimereports.com to the Council. The police department received a grant to use this program which shows where in the City different crimes have occurred. This program is in partnership with the State Attorney General's Office. The program shows registered sex offenders, thefts, etc in a designated area in the community. This program allows a unique opportunity for citizens to look at what's happening in their neighborhood and is free to the public. He hopes what this will do is get citizens interested in what is happening in their community and be proactive. The website also offers an anonymous tip line to the police department. There are over 1600 entities nationwide that participate in this website. The value of the website is \$149 per month.

Councilmember Olsen said he likes the idea of the website being used and will be helpful to landlords to identify problems at a certain location. However, he doesn't like the idea of photos, names and addresses of individuals being shown and identified. He feels it could have the potential to cause problems and doesn't give any allowance for the notion of the person changing their lives and trying to improve their situation. This is a tool that can be used for the right things but it can also be damaging and hurtful to victims who can be identified through the sex offender list.

Chief Gary Jensen said the sex offender list comes from the State of Utah database.

Councilmember Quayle feels there are situations where this website could be helpful and can be used as a warning to the community of potential problems.

Update: Welcome to Logan Sign – Russ Akina.

Parks & Recreation Director Russ Akina addressed the Council and gave an update on the progress of the Welcome to Logan City sign project. There were 14 firms that submitted bids and a selection committee met with the architects to review the bids. The firm selected is G Brown Design from Salt Lake City. A public open house is scheduled for Wednesday, December 1, 2010 from 4:00-6:00 p.m. at City Hall. The projected schedule for the project can be found on the Logan City website at www.loganutah.org under the Parks & Recreation Department icon. They would like to complete the project design by February 2011.

The cost for the consultant is \$18,725 and comes from the Parks & Recreation Department administration, professional services account. This amount was approved by the City Council last year as a professional service budget item for a total of \$20,000. The Welcome to Logan sign was not listed as a line item.

Discussion: Environmental Building LEED Certification – Issa Hamud

Environmental Department Director Issa Hamud addressed the Council regarding the proposed new Environmental Services Building and LEED Certification.

The project program includes four separate buildings: Administration, Transfer Station, Maintenance/Storage and Scale House Building.

He said that in the process of designing the City's new environmental facility building located at 1400 West 1200 North, they have come across some challenges regarding the LEED ordinance that Logan City currently has in place. Along with the architectural firm of Nichols Naylor, they have reviewed the City's ordinance requesting that City funded projects be LEED certified to a minimum, standard of LEED Silver. They have requested that Mayor Watts exempt these facilities from the LEED Certification requirements based on the following:

1. The LEED Certification requires all of the projects to be LEED Certified instead of the Administration Office only.
2. The Ordinance provides exceptions for three of the buildings from LEED Certification.
3. The additional cost to design and build the entire project to LEED is quite significant.

Mr. Hamud further stated that the LEED evaluation criterion includes one hundred ten possible credits that can be achieved for various features related to the site or the building systems. Fifty points are required for LEED Silver. They will evaluate each of the potential LEED credits as they refine the design with input from the Environmental Department Staff and incorporate features required to meet as many LEED requirements as possible. The completed building will meet or exceed LEED Silver certification standards regardless of whether they pursue certification or not. The LEED certification process involves additional fees to verify, prove, and review compliance with LEED guidelines that do not result in a more efficient building and therefore may not be something they City wants to fund. The current ordinance recognizes that LEED certification may not be practical or cost effective for all buildings and lists possible exceptions for specialized use or limited function buildings such as garages, storage buildings or equipment areas. They believe the facility falls in these categories and are requesting that Mayor Watts approve an exception to the LEED certification for these environmental services buildings.

Mr. Housley said there is specific language in the LEED ordinance where the Mayor can exempt certain buildings. He said the exemption can be done administratively and the ordinance does not need to be amended.

Councilmember Daines said she would be supportive of this exemption and she is in favor of not spending more taxpayer dollars just to get the LEED certification as per the LEED ordinance and accomplish the same thing otherwise.

Chairman Monson also agreed and said that Utah State University has done this for years because there is an increased cost for LEED certification.

Councilmember Swenson said yes, there is a cost for LEED certification but the buildings that are not LEED certified are not necessarily built to the same standards.

Mr. Housley read the provisions from the ordinance that lists the exceptions of specialized buildings. It still requires a waiver and the Mayor has to put in writing that it meets this exemption.

Mr. Hamud said the LEED requirement is the entire project or none and they would be forced to split the project or comply with the LEED standards and that will be more costly.

Councilmember Olsen said although he agrees with not wanting to waste taxpayer money he hasn't seen any number that would suggest that the short term savings will never pay out on a long term LEED commitment.

Councilmember Swenson said the discussion tonight should not be about the LEED ordinance.

Russ Naylor with Nichols Naylor Architect said they are not asking for permission to design a building that is not the most cost effective and wherever possible they will incorporate into the building design that will be compliant with LEED certification. They will focus on lighting and other things to get the points needed for the efficiencies they are looking for with the building. The commissioning costs are very high to have a LEED building and to document what has been done.

Councilmember Swenson said what is being avoided is to require LEED certification for a garage and this is not the time to discuss the merits of the LEED certification and should be done at another time.

Chairman Monson said this will be a very nice project and should move forward.

COUNCIL BUSINESS.

2010 Comprehensive Annual Financial Report (CAFR) – Richard Anderson.

Finance Director Richard Anderson said the 2010 Comprehensive Annual Report is available at the Logan City Library and on the Logan City website under the Finance Department. He said Logan City is in a very good financial situation and reserves are built up in case of a disaster situation. We have the maximum amount of reserves allowable by State law. The reason we are in a good financial position is because of the taxpayers and their values and things they do as citizens. Also, the City administration, Council and city employees who make a difference in having secure finances. We are not healthy because revenues are increasing. Sales and property tax is not going up but City departments and divisions are doing more with less and he applauded the City. We are in a good position going forward and can get back to things that are important.

Ed Erickson with Hansen, Bradshaw Malmrose and Erickson, Certified Public Accountants addressed the Council. He stated that Logan City should be very proud of their fund balance and the City received a clean opinion regarding the City finances. Logan City and the finance department are very well managed and well run.

Audit Committee Chair Curtis Broadbent addressed the Council. He stated that the audit committee was established in 2008 by ordinance with a specific charge to review Logan City's financial reports. The audit committee has reviewed the financial reports and stated that all fund balances are positive as they should be with one minor exception. The General Fund Unreserved Balance is at the maximum level per Utah State Statute and they strongly recommend that the Unreserved General Fund Balance be maintained at this level going forward which is currently at just over 18%. The committee feels that the City Council and Logan citizens can and should be confident that financial transactions of the City are being properly accounted for and reported.

Chairman Monson thanked Finance Director Richard Anderson for this report, City departments and everyone that was involved in the preparation of the Annual Financial Report.

Discussion: Countywide Library Vote – Jay Monson.

Chairman Monson asked the Council if any of them wished to make a comment regarding the recent vote of the Countywide Library vote. He feels we should wait and see what North Logan, River Heights and Mendon want to do. He was personally disappointed and at this time the County Council has decided not to pursue this issue further.

Councilmember Olsen said he also was disappointed and feels it was a tribute that many voted to approve the concept. He feels badly for those communities who oppose this idea and feels it will hurt them with the overall County votes. He feels Logan is in a great position with our library and he would hope other cities would consider an interlocal agreement in the future.

Councilmember Quayle suggested that we could talk with North Logan and River Heights about an interlocal agreement.

Councilmember Swenson said she would support this as long as we handle the agreement the same as our enterprise funds because it would be a business.

Joint Council and Planning Commission Meeting on Tuesday, November 30, 2010 at 5:30 p.m.

Chairman Monson announced the upcoming Joint Council and Planning Commission meeting on Tuesday, November 30, 2010 at 5:30 p.m. This is a public meeting, not a public hearing, to review the Land Development Code.

ACTION ITEMS.

PUBLIC HEARING - Budget Adjustment FY 2010-11 appropriating: \$7,200 for the Youth Alcohol Prevention Grant – Res. 10-63.

Chairman Monson opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Quayle to approve Res. 10-63 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes
Holly H. Daines, voted yes
Dean W. Quayle, voted yes
Jay A. Monson, voted yes
Herm Olsen, voted yes

PUBLIC HEARING - Budget Adjustment FY 2010-11 appropriating: \$1,500,000 for the new Golf Course Clubhouse – Res. 10-64.

Chairman Monson opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Quayle to approve Res. 10-64 as presented. Motion carried 4-1 by roll call vote (Councilmember Daines voted no).

Laraine Swenson, voted yes
Holly H. Daines, voted no
Dean W. Quayle, voted yes
Jay A. Monson, voted yes
Herm Olsen, voted yes

Consideration of a resolution supporting Utility Betterments on 1000 West as part of the UDOT Construction Improvements – Res. 10-65.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Daines to approve Res. 10-65 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes
Holly H. Daines, voted yes
Dean W. Quayle, voted yes
Jay A. Monson, voted yes
Herm Olsen, voted yes

WORKSHOP ITEMS.

Budget Adjustment FY 2010-11 appropriating: \$318,700 for the River Park Well Project – Res. 10-66 – Richard Anderson.

Finance Director Richard Anderson said this money is coming from impact fees which are restricted funds that can only be used for the purpose stated.

Public Works Director Mark Nielsen said this is a well that was drilled 7-8 years ago and it still needs to be developed and have the official pump tests done. The well gives us the capability to build a pump house and provide a redundant well into the culinary water system.

The proposed budget adjustment will come back as an Action Item and public hearing at the December 7, 2010 Council meeting.

Discussion of CDBG Funding – Holly Daines.

Councilmember Daines suggested that the Council redefine our CDBG Strategic Plan Objectives and rethink the way we handle CDBG funds. She would like to try a five year pilot project and continue to distribute 15% of the CDBG budget as allowed by HUD in the “Public Service” category. (The amount in 2009 was \$67,300). This could be done by the current CDBG committee, or the responsibility could revert to Council as was done several years ago. She would like to allocate the remainder of the funds (2009 was \$591,493) completely to Logan City projects. Council, as the funding authority, would still approve amounts for specific City projects within the categories of neighborhood and infrastructure improvement. Currently the City has no source of specific CIP funds for sidewalks and other neighborhood improvements and for economic development projects. Some of the projects she suggested funding are South Main Street sidewalks, park strip and tree installation. West side sidewalks and Canyon Road sidewalks.

Councilmember Daines further stated that yes, it will be disappointing for organizations which have applied for grants for infrastructure improvements in the past to lose that opportunity. However, CDBG funds were never intended for operating support, so the organization itself should not be jeopardized. Also, funds were not necessarily given year after year to the same organizations. The money was competitive each year and was for one-time special projects. Many projects have already been funded over the years. For new projects, applicants may simply have to work over a longer period of time to make those projects happen through private fundraising.

Chairman Monson asked when the public hearing will be held for CDBG projects. He feels there should be a lot of citizen input and there are a lot of groups that rely on this funding and will want to comment on a proposed change. He does not want to make any quick decisions regarding this money and wants citizen input.

CDBG Coordinator James Olson responded that the time table for the CDBG public hearing is in February 2011 there will be a public hearing and the end of January applications are due. In early February 2011 the steering committee will review the applications and he will make sure they meet the requirements required by HUD. There will be a second public hearing in February/March 2011 to review the Annual Action Plan.

Councilmember Daines said if we want to go in a different direction we should let these organizations know as soon as possible so they can make plans.

Councilmember Swenson feels we should make a decision by the December 7, 2010 Council meeting so people don't have to go through the application process. She would also like to add a parking terrace in the downtown and she thinks it makes sense to go this direction. She thanked Councilmember Daines for her effort in proposing these changes.

Councilmember Olsen feels there should be public input on this issue and it should be done immediately. He feels this issue is something we should take a good hard look at and feels there is merit to this change. The applicants/recipients should have more time to make plans and we could adopt the policy after the application process this year and make the changes effective for next year.

Councilmember Swenson said we should have a workshop on the guidelines as to how this money should be used and we should study the intent and purpose of how this money is used and be familiar with the guidelines.

Mr. Olson said the guidelines have changed and on how many from Cache County and Logan City benefit from the funding. We would need to determine how many from Cache County and how many from Logan City participate.

Councilmember Quayle asked who is going to take care of the human service needs such as the Food Pantry and English Language Center.

Councilmember Daines said again, their operating funds should not be impacted at all but their special projects which we have contributed to over the years, will be impacted. If the Council were to ask the citizens, which we they are elected to represent, she feels the citizen population as a whole would want to use the money in other ways.

Councilmember Swenson said we need to ask ourselves, what the role of Municipal Government is. We need to be responsible and the Council's role is not to be the charitable overseer of these organizations.

Councilmember Olsen said our role is also to ask the public what they would like to do and help with this decision.

Mr. Housley said a public hearing can be held at the Council meeting on December 7, 2010. It could only be a public hearing and action could be taken at the next council meeting in January 2011.

Mr. Nielson recommended that we go back to the guidelines of how this money should be allocated. The Council has adopted the guidelines of allocation the funding and this is done every year.

Councilmember Daines suggested narrowing the guidelines focusing on neighborhood and economic development. There are seven categories the money goes to and we try to balance these different programs. We can narrow the objectives of these seven categories.

Mr. Nielson said if we were to narrow these guidelines it would require a public hearing and a re-adoption to amend the guidelines.

Mr. Olson said other cities he has reviewed have 5-7 objectives and they are listed in their five year consolidated plan and they focus on a few objectives during the year.

Councilmember Daines said we don't have any capital improvement money for these projects and no specific funding.

Mr. Nielson read through a summary of other cities and what percent of money from CDBG goes toward their City projects.

Clearfield City uses 70% of their available funding for city projects.

Layton City uses 100% and they have public services.

Ogden City does not have a public services category and all money is spent on city activities and programs.

Provo City has a public service program. The remaining funds are spent 100% on city projects.

St George City does not have a public service category and spends 80% on city projects.

Sandy City spends 95% on city projects.

Taylorville City doesn't spend any money on city projects and all money goes to the non-profits.

Councilmember Olsen asked if there is a problem with any mayor proposing to put in more sidewalks and improvements as part of the annual budget.

Mr. Anderson said the reality is that we face every year is there are many more needs than money available.

Councilmember Olsen said that money could be reprioritized to meet these needs.

Mr. Anderson said once we are into the budget process there are choices and difficult decisions to be made. He suggested that we need to decide what is the most important to us and what we want to fund either capital items or helping the non-profits.

Chairman Monson asked that this issue be placed on the December 7, 2010 agenda as a discussion and public hearing

Mr. Nielson said the neighborhood councils and the non-profits should attend the public hearing and give their input.

OTHER CONSIDERATIONS.

There being no further business to come before the Council, meeting adjourned at 7:50 p.m.

ADJOURN.

Teresa Harris, City Recorder